

pending Claims 12-14 and 47 were amended to produce amended Claims 12-14 and 47. In Appendix B, the portions being added are underlined; and the portions being deleted are enclosed in brackets.)

REMARKS

This response is being submitted within three months after the shortened one-month term set for responding to the June 18, 2002 Office Action. Therefore, a petition and fee for an extension of time are enclosed herewith.

Hereinafter, the claims that are pending prior to the entry of the amendments in this response are called "currently pending claims." This response amends currently pending Claims 12-14 to change the wording of these claims in various minor ways; and this response amends currently pending Claim 47 to make it dependent on currently pending Claim 1.

While the Applicants traverse the outstanding restriction requirements, the Applicants nevertheless provisionally elect Invention I (currently pending Claims 1-11, amended Claims 12-14, currently pending Claims 15-46 and 61) for prosecution on the merits.

In addition, the Applicants provisionally elect the following species for prosecution on the merits: a composition containing theophylline (Component B), forskolin (Component C), prostaglandin (Component E), urea (Component F/mineral fertilizer), ethanolamine (Component G/phytoregulator product), herbicide (Component H/phytosanitary product), and water (component J).

The elected species is readable upon currently pending Claims 1-6 and 8-11, amended Claim 14, and currently pending Claims 15, 16, 18, 20-22, 26-40, 42-46, and 61.

If currently pending Claims 1, 6, and 15 are ultimately found to be allowable, then the Examiner should consider on the merits currently pending Subclaim 7, amended Subclaims 12 and 13, currently pending Subclaims 17, 19, and 23-25, amended Subclaim 47, and currently pending Subclaims 48-60 because these subclaims are each directly or indirectly dependent on an allowable elected base claim (currently pending Claim 1, 6, or 15).

Under 35 U.S.C. § 121, the United States Patent and Trademark Office is authorized, but is not required to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expenses that would be imposed upon the Applicants by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary; and the Applicants respectfully request withdrawal of the outstanding restriction requirements.

The traversal of the restriction requirements and the remarks regarding the traversal are being submitted without prejudice. Neither the traversal of the restriction requirements nor the remarks regarding the traversal shall be interpreted as disputing the Examiner's suggestion that Inventions I and II are patentably distinct or that various species are patentably distinct.

It is submitted that the application is in condition for allowance. Allowance of the application at an early date is solicited.

The Applicants reserve the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of

the present case or in a divisional or continuation application.

This response amends currently pending Claims 12-14 and 47. The amendments that are described in the preceding sentence were done to more fully claim the invention and were not done to overcome the prior art, were not done to overcome rejections under 35 U.S.C. § 112, and were not done to overcome any other rejections or objections. The amendments that are described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art, shall not be considered necessary to overcome rejections under 35 U.S.C. § 112, and shall not be considered necessary to overcome any other rejections or objections.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed; and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

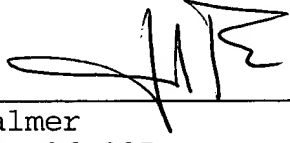
October 18, 2002
(Date of Deposit)

JOHN PALMER
(Name of Applicant, Assignee
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(Signature)

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Respectfully submitted,


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Enclosures: Appendices A and B

APPENDIX A

Re: U.S. Patent Application No. 09/829,779

Our Ref.: 618736-3/JP/B-4158

Date: October 18, 2002

Please replace currently pending Claims 12-14 and 47 with amended Claims 12-14 and 47, which are set forth below.

SUB
D5
12. (amended twice) A growth stimulating composition in accordance with claim 1, wherein the composition includes the Component I.

C1
13. (amended three times) A growth stimulating composition in accordance with claim 12, wherein the Component I includes polyethylene oxide sorbitan mono-oleate.

SUB
D4
14. (amended twice) A growth stimulating composition in accordance with claim 1, wherein the composition includes the Component J.

SUB
D7
C2
47. (amended once) A method for stimulating growth in a plant, the method comprising applying the composition claimed in Claim 1 to the plant.

APPENDIX B

Re: U.S. Patent Application No. 09/829,779
Our Ref.: 618736-3/JP/B-4158
Date: October 18, 2002

Please amend Claim 12-14 and 47 as indicated below, wherein the portions being added are underlined and the portions being deleted are enclosed in brackets.

12. (amended twice) A growth stimulating composition in accordance with claim 1, wherein the composition includes the [tensoactive agent] Component I.

13. (amended three times) A growth stimulating composition in accordance with claim 12, wherein the [tensoactive agent comprises] Component I includes polyethylene oxide sorbitan mono-oleate.

14. (amended twice) A growth stimulating composition in accordance with claim 1, wherein the composition includes the [moistening agent] Component J.

47. (amended once) A method for stimulating growth in a plant, the method comprising applying [a] the composition claimed in Claim 1 to the plant[, wherein the composition comprises at least

APPENDIX B

one of Components A, B, C, D, and E;

wherein the Component A comprises a precursor compound of cyclic AMP, wherein the precursor compound is transformed into cyclic AMP inside a cell of the plant;

wherein the Component B comprises a compound with a capacity to inhibit activity of one or more phosphodiesterases;

wherein the Component C comprises a compound with a capacity to stimulate activity of one or more adenylyl-cyclase enzymes;

wherein the Component D comprises an agonist compound of β -adrenergic receptors;

wherein the Component E comprises one or more chosen compounds selected from the group consisting of arachidonic acid and prostaglandins].